AMENDMENTS TO THE CLAIMS

Please amend the claims as indicated in the complete listing of claims listed below. This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended): A method, comprising:

operating a control node of a communication network at a packet bandwidth wherein the control node is located in a communication link between at least one server and at least one client and wherein the control node comprises at least one control point wherein at least one resonance point ~~a plurality of resonance points~~ of network performance metrics [[are]] is determined at the control point by scanning across a range of bandwidths until one or more of the network performance metrics is/are optimized, and wherein said packet bandwidth corresponds to a resonance point from the at least one resonance point ~~the control node is operated at the packet bandwidth corresponding to the best observed resonance point from the plurality of resonance points~~.

2. (Previously Presented): The method of claim 1 wherein the network performance metrics comprise one or more of throughput, average fetch time and packet loss.

3-4. (Canceled)

5. (Original): The method of claim 1 wherein the packet bandwidth is set by varying an inter-packet delay time over selected communication links at the control node.

6. (Currently Amended): A method, comprising:

determining at least one resonance point ~~a plurality of resonance points~~ of network performance metrics at a control point inside a communication network by scanning across a range of bandwidths until one or more of the network performance metrics is/are optimized; and

operating a control node inside the communication network at a packet bandwidth corresponding to a resonance point from the at least one resonance point ~~the best observed resonance point from the plurality of resonance points~~, wherein the control node is located in a communication link between at least one server and at least one client, and wherein the control point is located nearby or in the control node.

7. (Previously Presented): The method of claim 6, wherein the network performance metrics comprise one or more of throughput, average fetch time, and packet loss.

8. (Previously Presented): The method of claim 6, wherein the packet bandwidth is set by varying an inter-packet delay time over selected communication links at the control node.

9. (Previously Presented): An apparatus to control congestion in a communication network, wherein the apparatus comprises:

a control node, wherein the control node is located in a communication link between at least one server and at least one client; and

a control point, wherein the control point is located nearby or in the control node.

10. (Currently Amended): The apparatus of claim 9 ~~An apparatus of claim 7~~, wherein the control point comprises means to determine at least one resonance point ~~a plurality of resonance points~~ of network performance metrics by scanning across a range of bandwidths until one or more of the network performance [[metric:s]] metrics is/are optimized.

11. (Currently Amended): The apparatus of claim 10 ~~An apparatus of claim 8~~, wherein the control node comprises means to operate the control node at a packet bandwidth corresponding to a resonance point from the at least one resonance point ~~the best observed resonance point from the plurality of resonance points~~.

12. (New): The method of claim 1, wherein said resonance point is a best observed resonance point from the at least one resonance point.

13. (New): The method of claim 6, wherein said resonance point is a best observed resonance point from the at least one resonance point.

14. (New): The apparatus of claim 11, wherein said resonance point is a best observed resonance point from the at least one resonance point.